

WMN:BSK:AG
F. #2010R00503/OCDETF #NYNYE638

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

I N D I C T M E N T

- against -

Cr. No. 10-225 (DGT)

RICARDO VILLARAGA FRANCO.

1956(h), 2 and 3551 et seq.; T. 21, U.S.C., § 853(p); T. 28, U.S.C., § 2461(c))

Defendants.

THE GRAND JURY CHARGES:

COUNT ONE

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1.

Term	Percentage
GMOs	75%
Organic	85%
Natural	88%
Artificial	65%
Organic	82%
Natural	87%
Artificial	68%
Organic	83%
Natural	86%
Artificial	66%
Organic	84%
Natural	89%
Artificial	67%
Organic	81%
Natural	86%
Artificial	64%
Organic	80%
Natural	85%
Artificial	63%
Organic	78%
Natural	84%
Artificial	62%
Organic	77%
Natural	83%
Artificial	61%
Organic	76%
Natural	82%
Artificial	60%
Organic	74%
Natural	81%
Artificial	59%
Organic	73%
Natural	80%
Artificial	58%
Organic	72%
Natural	79%
Artificial	57%
Organic	71%
Natural	78%
Artificial	56%
Organic	70%
Natural	77%
Artificial	55%
Organic	69%
Natural	76%
Artificial	54%
Organic	68%
Natural	75%
Artificial	53%
Organic	67%
Natural	74%
Artificial	52%
Organic	66%
Natural	73%
Artificial	51%
Organic	65%
Natural	72%
Artificial	50%
Organic	64%
Natural	71%
Artificial	49%
Organic	63%
Natural	70%
Artificial	48%
Organic	62%
Natural	69%
Artificial	47%
Organic	61%
Natural	68%
Artificial	46%
Organic	60%
Natural	67%
Artificial	45%
Organic	59%
Natural	66%
Artificial	44%
Organic	58%
Natural	65%
Artificial	43%
Organic	57%
Natural	64%
Artificial	42%
Organic	56%
Natural	63%
Artificial	41%
Organic	55%
Natural	62%
Artificial	40%
Organic	54%
Natural	61%
Artificial	39%
Organic	53%
Natural	60%
Artificial	38%
Organic	52%
Natural	59%
Artificial	37%
Organic	51%
Natural	58%
Artificial	36%
Organic	50%
Natural	57%
Artificial	35%
Organic	49%
Natural	56%
Artificial	34%
Organic	48%
Natural	55%
Artificial	33%
Organic	47%
Natural	54%
Artificial	32%
Organic	46%
Natural	53%
Artificial	31%
Organic	45%
Natural	52%
Artificial	30%
Organic	44%
Natural	51%
Artificial	29%
Organic	43%
Natural	50%
Artificial	28%
Organic	42%
Natural	49%
Artificial	27%
Organic	41%
Natural	48%
Artificial	26%
Organic	40%
Natural	47%
Artificial	25%
Organic	39%
Natural	46%
Artificial	24%
Organic	38%
Natural	45%
Artificial	23%
Organic	37%
Natural	44%
Artificial	22%
Organic	36%
Natural	43%
Artificial	21%
Organic	35%
Natural	42%
Artificial	20%
Organic	34%
Natural	41%
Artificial	19%
Organic	33%
Natural	40%
Artificial	18%
Organic	32%
Natural	39%
Artificial	17%
Organic	31%
Natural	38%
Artificial	16%
Organic	30%
Natural	37%
Artificial	15%
Organic	29%
Natural	36%
Artificial	14%
Organic	28%
Natural	35%
Artificial	13%
Organic	27%
Natural	34%
Artificial	12%
Organic	26%
Natural	33%
Artificial	11%
Organic	25%
Natural	32%
Artificial	10%
Organic	24%
Natural	31%
Artificial	9%
Organic	23%
Natural	30%
Artificial	8%
Organic	22%
Natural	29%
Artificial	7%
Organic	21%
Natural	28%
Artificial	6%
Organic	20%
Natural	27%
Artificial	5%
Organic	19%
Natural	26%
Artificial	4%
Organic	18%
Natural	25%
Artificial	3%
Organic	17%
Natural	24%
Artificial	2%
Organic	16%
Natural	23%
Artificial	1%
Organic	15%
Natural	22%
Artificial	0%

COUNTS TWO THROUGH FIFTEEN

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2.

COUNT	§ 87(2)(b)	§ 87(2)(b)
TWO	§ 87(2)(b)	§ 87(2)(b)
THREE	§ 87(2)(b)	§ 87(2)(b)
FOUR	§ 87(2)(b)	§ 87(2)(b)
FIVE	§ 87(2)(b)	§ 87(2)(b)
SIX	§ 87(2)(b)	§ 87(2)(b)
SEVEN	§ 87(2)(b)	§ 87(2)(b)
EIGHT	§ 87(2)(b)	§ 87(2)(b)
NINE	§ 87(2)(b)	§ 87(2)(b)
TEN	§ 87(2)(b)	§ 87(2)(b)
ELEVEN	§ 87(2)(b)	§ 87(2)(b)
TWELVE	§ 87(2)(b)	§ 87(2)(b)
THIRTEEN	§ 87(2)(b)	§ 87(2)(b)
FOURTEEN	§ 87(2)(b)	§ 87(2)(b)
FIFTEEN	§ 87(2)(b)	§ 87(2)(b)

COUNT SIXTEEN
(Conspiracy to Obstruct Justice)

3. On or about and between September 21, 2009 and March 22, 2010, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant RICARDO VILLARAGA FRANCO, together with others, did knowingly,

intentionally and corruptly conspire to obstruct, influence and impede an official proceeding, to wit: a proceeding before a Federal grand jury in the Eastern District of New York, in violation of Title 18, United States Code, Section 1512(c) (2).

(Title 18, United States Code, Sections 1512(k) and 3551
et seq.)

COUNT SEVENTEEN
(Conspiracy to Obstruct Justice)

4. On or about and between January 1, 2010 and March 22, 2010, both dates being approximate and inclusive, within the extraterritorial jurisdiction of the United States, the defendants

[REDACTED] [REDACTED]
[REDACTED]

[REDACTED] and RICARDO VILLARAGA FRANCO, together with others, did knowingly, intentionally and corruptly conspire to obstruct, influence and impede an official proceeding, to wit: a proceeding before a Federal grand jury in the Southern District of New York, in violation of Title 18, United States Code, Section 1512(c) (2).

(Title 18, United States Code, Sections 1512(k) and 3551
et seq.)

CRIMINAL FORFEITURE ALLEGATION
AS TO COUNTS ONE THROUGH FIFTEEN

5. The United States hereby gives notice to the defendants charged in Counts One through Fifteen that, upon conviction of any such offense, the government will seek forfeiture in accordance with Title 18, United States Code,

Section 982(a)(1), of all property involved in each offense of conviction in violation of [REDACTED]
[REDACTED] and conspiracy to commit such offense, and all property traceable to such property as a result of the defendants' conviction of the offense, including but not limited to, a sum of money representing the amount of funds involved in the offense.

6. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 18, United States Code, Section 982, to seek forfeiture of any other property of such defendant(s) up to the value of the forfeitable property described in this forfeiture allegation.

(Title 18, United States Code, Section 982)

FORFEITURE ALLEGATION AS TO COUNTS SIXTEEN AND SEVENTEEN

7. The United States hereby gives notice to the defendants charged in Counts Sixteen and Seventeen that, upon conviction of any such offense, the government will seek forfeiture, in accordance with Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any property constituting or derived from proceeds obtained directly or indirectly as a result of the offense, including but not limited to a sum of money representing the amount of proceeds obtained as a result of the offense.

8. If any of the above-described forfeitable property, as a result of any act or omission of the defendant(s):

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28,

United States Code, Section 2461(c), to seek forfeiture of any other property of such defendant(s) up to the value of the forfeitable property described in this forfeiture allegation.

(Title 28, United States Code, Section 2461(c); Title 18, United States Code, Section 981(a)(1)(C); Title 21, United States Code, Section 853(p))

A TRUE BILL

FOREPERSON

BENTON J. CAMPBELL
UNITED STATES ATTORNEY
EASTERN DISTRICT OF NEW YORK